

109TH CONGRESS
1ST SESSION

S. 1395

AN ACT

To amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REEXPORTATION OF CONTROLLED SUB-**
2 **STANCES.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
4 “Controlled Substances Export Reform Act of 2005”.

5 (b) **IN GENERAL.**—Section 1003 of the Controlled
6 Substances Import and Export Act (21 U.S.C. 953) is
7 amended by adding at the end the following:

8 “(f) Notwithstanding subsections (a)(4) and (c)(3),
9 the Attorney General may authorize any controlled sub-
10 stance that is in schedule I or II, or is a narcotic drug
11 in schedule III or IV, to be exported from the United
12 States to a country for subsequent export from that coun-
13 try to another country, if each of the following conditions
14 is met:

15 “(1) Both the country to which the controlled
16 substance is exported from the United States (re-
17 ferred to in this subsection as the ‘first country’)
18 and the country to which the controlled substance is
19 exported from the first country (referred to in this
20 subsection as the ‘second country’) are parties to the
21 Single Convention on Narcotic Drugs, 1961, and the
22 Convention on Psychotropic Substances, 1971.

23 “(2) The first country and the second country
24 have each instituted and maintain, in conformity
25 with such Conventions, a system of controls of im-

1 ports of controlled substances which the Attorney
2 General deems adequate.

3 “(3) With respect to the first country, the con-
4 trolled substance is consigned to a holder of such
5 permits or licenses as may be required under the
6 laws of such country, and a permit or license to im-
7 port the controlled substance has been issued by the
8 country.

9 “(4) With respect to the second country, sub-
10 stantial evidence is furnished to the Attorney Gen-
11 eral by the person who will export the controlled
12 substance from the United States that—

13 “(A) the controlled substance is to be con-
14 signed to a holder of such permits or licenses
15 as may be required under the laws of such
16 country, and a permit or license to import the
17 controlled substance is to be issued by the coun-
18 try; and

19 “(B) the controlled substance is to be ap-
20 plied exclusively to medical, scientific, or other
21 legitimate uses within the country.

22 “(5) The controlled substance will not be ex-
23 ported from the second country.

24 “(6) Within 30 days after the controlled sub-
25 stance is exported from the first country to the sec-

1 ond country, the person who exported the controlled
2 substance from the United States delivers to the At-
3 torney General documentation certifying that such
4 export from the first country has occurred.

5 “(7) A permit to export the controlled sub-
6 stance from the United States has been issued by
7 the Attorney General.”.

Passed the Senate July 13, 2005.

Attest:

Secretary.

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